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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,853	07/28/2003	Michael J. Simons	84108JLT	5816

7590 05/26/2005

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,853

Applicant(s)

SIMONS ET AL

Examiner

Barbara L. Gilliam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005 & 14 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed March 7, 2005 and the signed 37 CFR 1.132 Declaration filed March 14, 2005 have been fully considered.
2. All previous rejections are withdrawn.

Claims

3. Claims 1-9 are pending.
4. Claims 2-3 further define the linking group L without requiring the presence of the linking group L in the olephilising compound.

Claim Objections

5. Claim 5 is objected to because of the following informalities:

It is noted that not all of the olephilising compounds have compound labels. The Examiner suggests removing the compound labels for clarification purposes. The Examiner also suggests inserting commas between the olephilising compounds and a period at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozer et al. (3,574,297) in view of Loccufier et al. (EP 1157828).

a. Bozer et al. teach a process comprising the steps of applying, in a printing design, an alkenylsuccinic acid compound to a surface on a body having a base-reacting, water-insoluble material intimately present at the surface thereof wherein the alkenyl chain has from 8 to 16 carbon atoms. The alkenylsuccinic acid compound is a succinic acid, succinic anhydride, soluble salt of succinic acid or succinyl halide (claims 1-5; column 3, line 69 – column 4, line 7). In the Example, a water solution containing 2.5 percent by weight of n-decenylsuccinic anhydride was prepared and applied to an appropriate surface (column 6, lines 27-35). According to Bozer et al., the alkenylsuccinic acid compound can be applied in any manner that is deemed to be convenient including in any desired solvent, such as water, and from an orifice equipped apparatus (column 3, lines 27-68), however there is no specific teaching to apply the compound via ink jet. It would have been obvious to one of ordinary skill in the art to apply the alkenylsuccinic acid compound via ink jet based on the teachings of Loccufier et al. (abstract) with reasonable expectation of lowering cost and increasing reliability ([0007]). Further it would have been obvious to adjust the surface tension of the alkenylsuccinic acid solution to be in the range of 20 to 60, preferably from 30 to 50 dynes/cm so that the solution is compatible with conventional ink jet printing systems based on the teachings of Loccufier et al. ([0042]).

Response to Arguments

8. Applicant's arguments (pages 6-8), the claim amendment and the 37 CFR 1.132 Declaration, filed March 7, 2005 and March 14, 2005, with respect the rejections over EP 1157828 and US 2004/0020388 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground of rejection is made over Bozer et al. (US 3,574,297) in view of Loccufier et al. (EP 1157828).

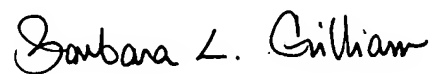
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barbara L. Gilliam
Primary Examiner
Art Unit 1752

bg
May 24, 2005